

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Ellyn Herrington :
 :
 :
 :
 vs : 3:04-CV-1243
 :
 :
 :
 Crestwood School District :
 :
 :

BEFORE: Honorable A. Richard Caputo

PLACE: Scranton, Pennsylvania

PROCEEDINGS: Settlement Agreement

DATE: Tuesday, October 10, 2006

APPEARANCES:

For the Plaintiff: Cynthis L. Pollick, Esq.
The Employment Law Firm
Greater Pittston Professional
Center
126 South Main Street
Suite 201
Pittston, PA 18640

For the Defendants: Sharon M. O'Donnell, Esq.
Marshall Dennehey Warner Coleman
and Goggin
4200 Crums Mill Road
Siute B
Harrisburg, PA 17112

1 (10:55 a.m., convene.)

2 (Whereupon, the following discussion
3 occurred in the court's conference room.)

4 THE COURT: On the record. This is in the
5 case of Herrington versus Crestwood School District,
6 04-1243. The case was called for a trial today before a
7 jury. The parties, before impanelling the jury, reached
8 a settlement, and they would like to place the terms of
9 that settlement on the record.

10 MS. POLLICK: Yes.

11 THE COURT: Ms. Pollick.

12 MS. POLLICK: Thank you, your Honor. We are
13 resolving the case for \$150,000. And also, my client,
14 Ellyn Herrington, gets a job at Fairview Elementary
15 School for the 2007 school year. She also gets a
16 long-term substitute position starting in November, and
17 that will be at a rate of \$30,960 a year, and that will
18 begin one week before the individual who she'll be
19 subbing for goes out on maternity leave, and that is
20 going to be at Rice Elementary School. And when she
21 comes into the job at Fairview in 2005 she will be
22 placed into Step 3.

23 MS. O'DONNELL: Cindy --

24 MS. POLLICK: Yes.

25 MS. O'DONNELL: It's 2007/2008.

1 MS. POLLICK: Oh, I'm sorry. 2007/2008
2 school year term. So, when she gets the job at Fairview
3 at the beginning of 2007/2008 school year she will come
4 in at a Step Three pursuant to the collective bargaining
5 agreement. And the defendants have orally stated that
6 they will not do any retaliatory acts.

7 However, I want to make sure that my client
8 is protected and just want to put it on the record that
9 they will not observe her or do performance appraisals,
10 more than what they normally do unless there is cause
11 that -- to do so.

12 MS. O'DONNELL: We agree, unless
13 circumstances warrant, additional observations or some
14 other reason to do additional performance appraisals,
15 Ms. Herrington will be treated the same as every other
16 employee.

17 MS. POLLICK: Okay. Does that sound right
18 to you what I said?

19 PLF. HERRINGTON: Yes, it does.

20 MS. POLLICK: Okay. My client has agreed to
21 it.

22 THE COURT: Anything you want to add?

23 MS. O'DONNELL: No. There's nothing more
24 that we -- we agree to the terms that Ms. Pollick has
25 just expressed on the record. We would like an order

1 just indicating that the case has been dismissed.

2 THE COURT: All right. We will --

3 MS. POLLICK: We didn't do the terms of how
4 soon the money will arrive. Because if he is doing an
5 order, I just worry about the --

6 THE COURT: Off the record for a minute.

7 (Whereupon, there was a discussion off the
8 record between the parties.)

9 MS. POLLICK: We ask the Court to enter a
10 60-day order.

11 THE COURT: All right. I will enter a
12 60-day order dismissing the case, and subject to being
13 re-opened for good cause, which is my standard order
14 indicating dismissal when a settlement has been reached.

15 MS. O'DONNELL: Thank you.

16 THE COURT: Anything else for the record?

17 MS. O'DONNELL: No, sir.

18 THE COURT: All right. I thank everybody
19 for resolving this.

20 (10:58 a.m., court adjourned.)

21

22

23

24

25

1 REPORTER'S CERTIFICATE

2
3 I, DIANA L. GILBRIDE, Official Court Reporter for
4 the United States District Court for the Middle District
5 of Pennsylvania, appointed pursuant to the provisions of
6 Title 28, United States Code, Section 753, do hereby
7 certify that the foregoing is a true and correct
8 transcript of the within-mentioned proceedings had in
9 the above-mentioned and numbered cause on the date or
10 dates hereinbefore set forth; and I do further certify
11 that the foregoing transcript has been prepared by me or
12 under my supervision.

13
14
15 Diana L. Gilbride, RMR, FCRR
16 Official Court Reporter

17 REPORTED BY:

18 DIANA L. GILBRIDE, RPR
19 Official Court Reporter
20 United States District Court
21 Middle District of Pennsylvania
22 P.O. Box G
23 Scranton, PA 18501-0090

24 (The foregoing certificate of this transcript
25 does not apply to any reproduction of the same by any
means unless under the direct control and/or supervision
of the certifying reporter.)